# 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Cuba

## I. Introduction

1. Cuba's stance on nuclear weapons predates its accession to the Treaty on the Non-Proliferation of Nuclear Weapons as a State party on 4 November 2002. Cuba has never possessed, does not possess, has no intention of possessing and does not make, sell or supply weapons of mass destruction of any kind. Cuba advocates the prohibition and total elimination of nuclear weapons and other weapons of mass destruction as a priority.

2. In one part of the sovereign territory of the Republic of Cuba illegally occupied by the United States of America, in Guantánamo Province, over which the Cuban State does not exercise jurisdiction, there is a United States naval base. Accordingly, the Government of Cuba does not know whether the United States has emplaced, possesses, maintains or intends to emplace nuclear, chemical or biological materials or, even, nuclear, chemical or biological weapons in this illegally occupied Cuban territory.

3. As stated by Cuba in the declaration made on accession to the Non-Proliferation Treaty, the Treaty establishes a discriminatory international regime conducive to the existence of a "club of nuclear-weapon States" which, notwithstanding the years that have elapsed since the entry into force of the Treaty on 5 March 1970, have not attained the objective of the total elimination of such weapons.

4. The success of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons will depend to a great extent on its ability to address, in a balanced and non-discriminatory manner, compliance with all the commitments under the three pillars of the Non-Proliferation Treaty: disarmament, non-proliferation and the peaceful uses of nuclear energy.

5. Cuba reiterates its firm commitment to general and complete disarmament, including nuclear disarmament, as the highest priority, together with the non-proliferation in all its aspects, vertical and horizontal, of nuclear weapons. Cuba will continue to work with the other States parties to the Treaty to bring about the prohibition and total elimination of nuclear weapons as soon as possible.

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## II. Specific considerations relating to article III and its national implementation

6. Cuba's interest in nuclear energy relates solely to the peaceful uses of such energy subject to verification by the competent authority, the International Atomic Energy Agency (IAEA).

7. All Cuba's programmes involving nuclear energy have strictly peaceful uses. They have been and are subject to strict control by the competent national authorities and have been monitored on a continuous basis by IAEA. This state of affairs predates Cuba's accession to the Non-Proliferation Treaty, as indicated by the partial agreements on the application of safeguards in connection with the supply of a nuclear power plant by the then Soviet Union (Reg. No. 1394) and the application of safeguards in connection with the supply of a zero power nuclear reactor by the Hungarian People's Republic (Reg. No. 1504), which entered into force on 5 May 1980 and 7 October 1983, respectively.

8. In accordance with its commitments as a State party to the Treaty under article III, paragraph 1, on acceding to the Treaty Cuba immediately began negotiations with IAEA,[1] in order to establish the agreements enabling the Agency to verify the country's nuclear activities.

9. As a result of those negotiations, and pursuant to article III, paragraph 4, on 9 September 2003 the Board of Governors approved the Agreement between the Republic of Cuba and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/633), and the Protocol Additional to that Agreement (INFCIRC/633/Add.1), which were signed by Cuba on 18 September 2003 and ratified on 27 May 2004, entering into force on 3 June 2004. These agreements were drafted and have been implemented in accordance with article III, paragraphs 2 and 3.

10. As part of its compliance with these responsibilities, the following activities were carried out from the entry into force for Cuba of the Treaty until the 2010 Review Conference:

(a) The initial report required by the comprehensive safeguards agreement, containing information on nuclear materials and the activities carried out by Cuba from the date of accession, was submitted to IAEA;

(b) Following the final decision to close down the Juraguá nuclear facility, construction of which was halted in 1992, it was agreed to suspend the safeguards and reduce the material balance area established for the facility;

(c) Negotiations were concluded on the structure of the safeguards with two material balance areas at locations outside the facility, and the establishment of key measurement points, even though no nuclear facility exists;

(d) Annual inspections were carried out, including additional access to the main sites of interest to IAEA;

[1] Cuba is a founder and an active member of the Board of Governors, on which it has been represented for 11 periods, including five following its accession to the Treaty.

(e) All the reports and declarations required pursuant to the comprehensive safeguards agreement and the additional protocol were submitted, as were responses to all the clarifications and communications requested from Cuba by the IAEA Department of Safeguards;

(f) A procedure was agreed with IAEA for the issuance of multiple-entry visas to safeguards inspectors approved for Cuba;

(g) Integrated safeguards were implemented, with entry into force for Cuba on 1 January 2009.

11. Over the past five years new activities have been carried out, including:

(a) Inspections incorporating additional access have been conducted, in accordance with the verification regime established by IAEA;

(b) All the reports and declarations pertaining to the comprehensive safeguards agreement and the additional protocol have been submitted;

(c) The multiple-entry visas requested pursuant to the arrangements in effect between Cuba and IAEA have been issued;

(d) A physical inventory was conducted showing that no nuclear materials remain in the country.

12. On the basis of all the activities carried out, the IAEA Safeguards Implementation Report for 2007 placed Cuba for the first time among the 47 countries in respect of which it was able to draw conclusions about safeguards. IAEA verified all the information provided on Cuba's nuclear programme, that all the declared nuclear material was intended for peaceful activities, and that there were no undeclared activities. A similar status was recognized in the IAEA Safeguards Implementation Report for 2013, for the seventh year in succession.

13. In Cuba, although there are no nuclear weapons, legal norms and other instruments exist that regulate the spectrum of activities by the various national organs and institutions engaged in the nuclear sector and ensure strict oversight of the use of nuclear materials. The national legislation in force guarantees the strictly peaceful use of nuclear energy, as well as of related equipment and technology, and is consistent with the other nuclear conventions and treaties to which Cuba is party.

## III. Specific considerations relating to article IV

14. In Cuba, the use of nuclear technologies in critical areas of the economy is highly valued and particular importance is given to IAEA technical cooperation.

15. Since the establishment, in 1977, of Cuba's first technical cooperation programme with IAEA, there has been ongoing and productive cooperation. The principal outcomes have focused on improving national capacity in radiotherapy and nuclear medicine; improving the production quality of radiopharmaceuticals and labelled compounds; strengthening the infrastructure of the nuclear regulatory body and the technical base for radiological protection in the country; establishing and strengthening a regional centre for repair and maintenance of the country's nuclear instrumentation; improving the services offered by nuclear research laboratories at the national level; restoring installed irradiation capacity; and further developing other applications for nuclear technologies in agriculture, hydrology and industry.

16. However, the IAEA secretariat faces continued and increasing difficulties in acquiring scientific equipment approved for projects in Cuba, owing to the fact that companies in the United States of America, or those with capital investment from that country, cannot sell such equipment for use in Cuba and face the real possibility of penalties, as a result of the unilateral and unjust economic, commercial and financial embargo imposed by the Government of the United States against Cuba. One consequence of this situation is that execution of our projects is more expensive, since equipment must be purchased from further afield.

17. This is also the situation with regard to courses organized by United States institutions and nuclear equipment sold by United States companies and subsidiaries located in third countries, which are embargoed in the case of Cuban experts and companies, in blatant violation of article IV, paragraph 2, of the Treaty. One notable instance is the additional cost of the investment made by the Cuban State in new positronic technology for the treatment of cancer, the leading cause of death in Cuba over the past two years, purchase of which in the United States would have involved a 30 per cent lower investment.

18. Cuba reaffirms its belief that IAEA technical cooperation should be free of political preconditions, as reflected in its statute. This is of vital importance to developing countries and small island developing States, such as ours, for which the technical cooperation programme is very important, as demonstrated by an implementation rate of over 95 per cent in the past two years and 99.49 per cent in 2014, the highest in the region.

## IV. Specific considerations relating to article V

19. Cuba is firmly opposed to nuclear testing of any kind, including subcritical tests and tests using supercomputers and other sophisticated non-explosive methods.

20. It is cause for concern that various countries continue to conduct nuclear-weapon tests by non-explosive means, contrary to the spirit and purpose of the Comprehensive Nuclear-Test-Ban Treaty. In contrast, Cuba, while not a signatory to the Comprehensive Test-Ban Treaty, observes its provisions and has always acted, and will continue to act, in full compliance with the letter and spirit of the instrument.

21. We state our total opposition to the enhancement of existing nuclear weapons and the development of new types of nuclear weapons, as being inconsistent with the obligation of complete nuclear disarmament. We call upon all States to refrain from carrying out nuclear-weapon-test explosions, other nuclear explosions, or any other related non-explosive tests, including subcritical tests, for the purpose of developing nuclear weapons. Such activities are contrary to the object and purpose, and the letter and spirit, of the Comprehensive Test-Ban Treaty, and undermine its intended purpose as a nuclear disarmament measure.

22. Cuba has not yet adopted a definitive position regarding accession to the Comprehensive Test-Ban Treaty. Nevertheless, in the General Assembly we have always voted in favour of resolutions on the Treaty. Any decision in this regard will be taken in the context of the pacifist and multilateral stance of the Cuban Government and people.

23. As a State party to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), ratified by Cuba on 23 October 2002, Cuba has made the biannual declarations required under the Treaty in a timely and proper manner, to the effect that "no activity prohibited under the provisions of the Treaty of Tlatelolco has taken place in territory under the jurisdiction of the Republic of Cuba".

24. These declarations have been verified by IAEA, in the context of the Agreement between the Republic of Cuba and IAEA for the application of safeguards in connection with the Treaty of Tlatelolco (Reg. No. 1771) and the Additional Protocol to the Agreement between the Republic of Cuba and IAEA for the application of safeguards in connection with the Treaty of Tlatelolco (Reg. No. 1772), signed on 18 September 2003 and in force since 3 June 2004.

## V. Specific considerations relating to article VI

25. Weapons of mass destruction, particularly nuclear weapons, represent a threat to humanity, and Cuba, in multilateral forums, has stressed the need for their total elimination, in an irreversible, verifiable and transparent manner.

26. In the Conference on Disarmament, Cuba has actively advocated the urgent initiation of negotiations on a framework convention on the prohibition and elimination of nuclear weapons in a transparent, verifiable and irreversible manner.

27. Likewise, Cuba is in favour of beginning negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and verifiable treaty prohibiting the production of fissionable material for nuclear weapons or other explosive nuclear devices. Such a treaty must contain both non-proliferation and nuclear disarmament measures, given that it would represent a new step towards achieving the objective of the total elimination of nuclear weapons.

28. Cuba has participated actively in the work of the Conference on Disarmament, reaffirming in our interventions in that body the priority we attach to nuclear disarmament and to this disarmament machinery negotiating body, which should be maintained and strengthened through agreement on a broad and balanced programme of work.

29. In the First Committee of the General Assembly, Cuba has systematically cosponsored or supported various resolutions that, directly or indirectly, advocate attainment of the objective of nuclear disarmament.

30. In our interventions in the Disarmament Commission, we have consistently called on the Member States of the United Nations to demonstrate the flexibility and necessary political will to agree on specific recommendations on nuclear disarmament to the General Assembly.

31. On 26 September 2014 the first commemoration took place of the International Day for the Total Elimination of Nuclear Weapons, proclaimed by the General Assembly further to a proposal made by the Non-Aligned Movement on the initiative of Cuba. Cuba took part in activities held on that date in New York, Geneva and Vienna. We stressed the need to adopt concrete measures to bring about nuclear disarmament, we drew attention to the dangers posed by nuclear weapons,

and we emphasized that the only way to ensure that humanity would never suffer the terrible impact of nuclear weapons was their prohibition and total elimination.

32. Cuba considers that the non-proliferation of nuclear weapons is not an end in itself, but one step on the road to nuclear disarmament. Nuclear-weapon States are obliged, pursuant to the provisions of article VI of the Non-Proliferation Treaty and together with the other States parties, to pursue and conclude negotiations on the attainment of nuclear disarmament.

33. The outcome document of the 2015 Review Conference must contain practical commitments that clearly reflect the responsibility and the role of the nuclear Powers in the disarmament process.

34. Cuba is willing to begin negotiations immediately on a legally binding, multilaterally agreed instrument embodying a systematic approach embracing disarmament, verification, assistance and cooperation.

35. Cuba expresses its grave disquiet at the lack of tangible progress in implementing most of the 13 practical steps for the implementation of article VI adopted at the sixth Review Conference, in 2000, and the action plan agreed at the 2010 Review Conference.

36. Among other failings, the nuclear Powers have not lowered to the extent expected the state of alert of their nuclear-weapon systems, or reduced the role of nuclear weapons in their national security policies and doctrines.

37. The five nuclear Powers recognized in the Non-Proliferation Treaty currently possess an aggregate of some 16,350 nuclear weapons in their arsenals, of which approximately 4,150 are operational. Cuba deeply regrets the failure on the part of the nuclear-weapon States to fulfil their unequivocal undertaking to totally eliminate their nuclear arsenals with a view to achieving nuclear disarmament.

38. Although over the past five years there has been a reduction in the total number of nuclear warheads in the world, the rate at which the number is decreasing has slowed in comparison with 10 years earlier.

39. None of the nuclear-weapon States appears willing to renounce nuclear weapons in the foreseeable future. The countries recognized by the Non-Proliferation Treaty as nuclear-weapon States are either deploying new nuclear-weapon launch systems or have announced programmes to do so, so that they seem determined to maintain their nuclear arsenals indefinitely.

40. Since the 2010 Review Conference there have been few developments to suggest that the nuclear-weapon States have a genuine desire to work towards completely dismantling their nuclear arsenals. Rather than abstaining from developing new types of weapons, the long-term upgrade programmes under way in some of these States suggest that nuclear weapons will remain as central elements in their strategic calculations.

41. In view of the threat that it poses to international peace and security, Cuba is extremely concerned about the development of new types of nuclear weapons and the existence of strategic defence doctrines based on the possession and use of such weapons. In addition, the deployment of nuclear weapons by nuclear-weapon States in the territory of non-nuclear-weapon States is a concern, since in practice this means many more "possessor States".

42. The prolonged failure to honour the agreement reached to convene an international conference on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East continues to be a major source of frustration at the international level. We recall that the decision to convene the conference was adopted at the 2010 Review Conference, pursuant to the resolution on the Near East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Once again we call for the convening of this conference as soon as possible, during the course of this year.

43. The isolated and selective application of the principle of non-proliferation is insufficient to eliminate nuclear weapons. Only the application of a systematic approach, also including disarmament, verification, assistance and cooperation, will guarantee the total elimination of nuclear weapons.

## VI. Specific considerations relating to article VI

44. As part of its long-standing commitment to global nuclear disarmament, in 2002, in addition to acceding to the Treaty on the Non-Proliferation of Nuclear Weapons, Cuba also ratified the Treaty of Tlatelolco.

45. Latin America and the Caribbean, the first densely populated area in the world to become a nuclear-weapon-free zone, has been a political, legal and institutional model for the creation of other nuclear-weapon-free zones in different regions of the world.

46. We reaffirm the historic proclamation of Latin America and the Caribbean as a zone of peace at the Summit of the Community of Latin American and Caribbean States, held in Havana, on 29 January 2014, in which the States of the region made a commitment to continue to promote nuclear disarmament as a priority objective, to contribute through general and complete disarmament, and to banish the use of force or threat of use of force from our region for ever.

47. We urge, once again, the nuclear-weapon States that made interpretative declarations concerning the additional protocols to the Treaty of Tlatelolco to withdraw them without further delay, so as to give full security assurances to the States comprising the nuclear-weapon-free zone in Latin America and the Caribbean.

48. Cuba strongly supports the establishment of nuclear-weapon-free zones in different countries and regions of the world. Nuclear-weapon-free zones reinforce nuclear non-proliferation and contribute to achieving the objective of nuclear disarmament. In this regard, Cuba reiterates its support for the establishment of a zone free of weapons of mass destruction in the Middle East.

49. We regret the failure to implement the agreement on the convening of an international conference for the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. We recall that the convening of this conference was an important and integral part of the final outcome of the 2010 Review Conference.

50. We are convinced that the establishment of such a zone, in addition to making an important contribution to achieving the goal of nuclear disarmament, would

constitute a major landmark in the peace process in the Middle East. We call for the convening of the conference without further delay, during the course of this year.

51. Cuba welcomes the third Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, to be held in New York in 2015, as well as the convening of the two previous conferences, in Mexico in 2005 and New York in 2005, since they provided an opportunity to explore and implement concrete methods of cooperation between the various zones and with other interested States. We call for this conference to be strengthened as a forum for shaping consensus on the expansion of nuclear-weapon-free zones, thereby supporting nuclear disarmament.

## VII. Other considerations of interest to Cuba with regard to compliance with the Treaty on the Non-Proliferation of Nuclear Weapons

52. Nuclear security is a matter which, owing to its significant implications, is of interest to all States. Its effective management cannot be partial or admit of exceptions. International norms on nuclear security must be adopted in the context of IAEA, as the outcome of inclusive, transparent multilateral intergovernmental negotiations.

53. The conception and implementation of the Integrated Nuclear Security Support Plan, with the deployment of equipment recommended by IAEA, provides a positive example of collaboration between Cuba and the Agency, ensuring ongoing strengthening of the systems of prevention, detection and response to injurious or terrorist acts that might involve nuclear and radioactive materials.

54. The projects being implemented by Cuba with IAEA to strengthen border controls to detect nuclear and radioactive materials and the updating of physical protection measures at facilities with category 1 and category 2 radioactive sources represent some elements of the progress made by Cuba.

55. Regrettably, in recent years summits on nuclear security have been held outside the context of IAEA, with the exclusion of the vast majority of States. The results of these summits cannot in any way be considered a consensual model at the international level. Cuba views as unacceptable any attempt to usurp or disregard the lead role of IAEA in this regard.

56. Non-transparent mechanisms of selective composition that operate outside the United Nations and international treaties do not constitute an adequate response in tackling the phenomenon of international terrorism, including terrorism with the use of weapons of mass destruction, their means of delivery or related materials.

57. The so-called nuclear security summits make no contribution to the genuine efforts being undertaken by the international community to deal with these issues in a transparent and open manner, with the participation of all States and within the framework of such multilateral forums as IAEA that have been established for that purpose.

58. The nuclear-weapon States have a responsibility to guarantee the physical security of their arsenals. However, we are convinced that the only absolute guarantee against the use or threatened use of such weapons and the risk that they

might be used by terrorists is the prohibition and total elimination of nuclear weapons.

59. Cuba roundly condemns all terrorist acts, methods and practices in all their forms and manifestations by whosoever against whomsoever and wheresoever, including State terrorism, and reaffirms that it will not be possible to achieve genuine nuclear security at the global level until nuclear weapons have been completely eliminated from the face of the Earth.

## VIII. Conclusions

60. Cuba has demonstrated, through concrete acts, its political will to comply strictly with each and every one of the provisions of the Treaty. The objective of nuclear disarmament must continue to be the international community's main priority in the area of disarmament and arms control.

61. The 2015 Review Conference requires political will, commitment and determined participation on the part of the international community, especially on the part of the nuclear-weapon States, for progress to be made towards the elimination of nuclear weapons in a transparent, irreversible and verifiable manner, and for all States parties to the Treaty to set themselves new goals to achieve that objective.